REMARKS

The Office Action mailed January 2, 2009 has been reviewed and reconsideration of the above-identified application in view of the following amendments and remarks, is respectfully requested

Claims 1-26 are pending and stand rejected.

Claims 1, 2, 5, 6, 9, 10, 12 and 13 are objected to.

Claims 1,-3, 5, 6, 8, 9, 10, 13-18, 20, 21 and 23 have been amended.

Claims 19, 22, and 24-26 have been cancelled without prejudice.

Claims 1, 11, 13, 14, 15, 16, 17, 18, 20, 21, 23, and 24 are independent claims.

The specification is objected to for failing to include section headings. Claims 1, 2, 5, 6, 9, 10, 12 and 13 are objected to for including formalities. Claims 8 and 9 stand rejected under 35 USC §112, second paragraph as being indefinite. Claims 18, 19, 21 and 22 stand rejected under 35 USC §101 as being directed to non-statutory subject matter. Claims 1-5, 7, 8, and 10-26 stand rejected under 35 USC §102(b) as being anticipated by Yamaguchi (USPPA 2001/0042252). Claim 6 stands rejected under 35 USC §103(a) as being unpatentable over Yamaguchi in view of Ozawa (USPPA 2001/0030959). Claim 9 stands rejected under 35 USC §103(a) as being unpatentable over Yamaguchi in view of Nakagawa (USPPA 20010028725).

With regard to the objection to the specification for lacking section headings, Applicant respectfully submits that 37 CFR §1.77(b) discloses a *suggested* format for the arrangement of the disclosure. Applicant respectfully submits that the present disclosure follows the suggested format where applicable. With regard to 37 CFR§1.77(c), which was not cited in the Office Action, Applicant respectfully submits that section headings are suggested but not required, as 37 CFR §1.77(c) clearly states the sections defined in paragraphs (b) (1) through (b) (11) "should" be preceded by a section heading.

Accordingly, Applicant respectfully declines to amend the disclosure to include the suggested headings at this time.

With regard to the objection to the claims for including formalities, Applicant thanks the Examiner for his observation and has amended the claims as suggested.

For the amendments made to the claims, Applicant submits that the reason for the objection has been overcome and respectfully requests that the objection be withdrawn.

With regard to the rejection of claims 8 and 9 under 35 USC §112, second paragraph, Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in order to advance the prosecution of this matter, Applicant has elected to amend the claims to clarify the subject matter regarded as the invention claimed.

For the amendments made to the claims, Applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn. \

With regard to the rejection of claims 18, 19, 21 and 22 under 35 USC §101, Applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

However, in order to advance the prosecution of this matter Applicant has elected to amend claims 18 and 21 to more specifically recite that the programme code is executed on a processing unit that executes the claimed elements steps. As the processing unit provides the structural element for executing the recited subject matter, Applicant submits that the claims as amended fall within the statutory categories of patentable subject matter.

With regard to claims 19 and 22, Applicant has elected to withdraw these claims from further consideration at this time.

Applicant makes no statement regarding the patentability of the subject matter recited in these claims and explicitly reserves the right to re-prosecute the subject matter recited in these claims in one or more continuing applications during the pendency of the instant application.

With regard to the rejection of claims 1-5, 7, 8, and 10-26 under 35 USC §102(b) as being anticipated by Yamaguchi (USPPA 20010042252), the Office Action refers to

Figure 2 elements 217, 219, 201 and 204 and paragraphs 0066 and 0070 of Yamaguchi

for disclosing the claim element "providing the data segments with ID data in an ID

segment, the ID data being different from ID data being pre-determined to identify the

type of data in the stream of audiovisual data." In addition, the Office Action refers to

para. 0008 ("[e]ncryption (hereafter 'scrambling') being performed separately for each TP

… containing video data and audio data for programs.") for teaching the claims element

"partly encrypting the data segments, leaving the ID segment unencrypted" for supporting

the rejection.

Applicant respectfully disagrees with and explicitly traverses the rejection.

A review of each of these sections reveals Yamaguchi teaches that an MPEG

format is composed of a plurality of components (207, 219, 201 and 204) and that each

component has a separate identification. (see para. 0064). In addition, Yamaguchi

teaches that within component 201 there exists reception elements, each having a

different identification. Yamaguchi further discloses that component 204, contains

presentation elements, each of which has a different identification. (see para. 0070).

Each of the component identifications, the reception elements and the presentation

elements has a different identification.

However, the identification disclosed by Yamaguchi are the identifications that

are pre-determined for the type of data expressed by the identification. That is, the

identification values of reception elements are those identifications pre-determined for

reception elements and the identification values of presentation elements are those

identifications pre-determined for presentation elements. Similarly, the identification

values for components 207, 219, 201 and 204 are those identification values

predetermined for these components.

Accordingly, from the identifications provided by Yamaguchi in each of the

components or elements, one would be able to determine the type of data associated with

the identification.

Yamaguchi fails, however, to provide any teaching regarding providing ID data in

an ID segment being different from ID data being pre-determined to identify the type of

data, as is recited in the claims. That is, Yamaguchi fails to teach an ID data that is different than the ID data that would be used for the corresponding component/element.

In addition, while Yamaguchi discloses encryption of data (see para. 0008), and the Office Action refers to the decryption process for separating a received signal into video, audio and interactive data, Yamaguchi fails to disclose a partial encryption process wherein the inserted ID data, which is different from ID data being pre-determined to identify the type of data, is not encrypted. Yamaguchi is silent with regard to this particular feature. Rather Yamaguchi merely teaches that the received signal, after decryption, is separated into different signal components.

A claim is anticipated if each and every element of the claim is recited in a single prior art reference.

In this case, Yamaguchi cannot be said to anticipate the subject matter recited in each of the independent claims as Yamaguchi fails to recite at least one material element of the claims.

With regard to the remaining claims, each of these claims dependents from one of the independent claims and, hence, are also allowable by virtue of their dependency upon an allowable base claims.

With regard to the rejection of claim 6 under 35 USC 103(a) as being unpatentable over Yamaguchi in view of Ozawa (USPPA 20010030959), Applicant respectfully disagrees with and explicitly traverses the rejection.

In rejecting the claim, the Office Action refers to Ozawa as disclosing a virtual channel that is associated with the SI data in 320 and is used to replace the functionality of the Packet ID and the Table ID filtering.

However, Ozawa teaches a system wherein SI data is transmitted out-of band (OOB) while MPEG video data is transmitted in-band. The out-of-band data is streamed of multiplex SI data packets formatted in an ATM format wherein the virtual channel information provides a key to demultiplex the data.

Ozawa, thus, teaches a two channel transport system using the virtual channel information (VCI) to correlate OOB data with the MPEG video transmitted in-band data.

The VCI is used in a manner to identify the OOB data. These two channels are independent of each other and the VCI is not used to replace the ID data within the MPEG video stream.

Accordingly, Ozawa fails to provide any teaching regarding inserting a further ID into the data packets as is recited in the claim. Rather the VCI is included in a totally separate data packet that is transmitted out-of-band from the video signal.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations

In this case, the combination of the cited references fails to disclose a material element recited in the independent claim 1 and thus, the combination of the cited reference cannot be said to render obvious the subject matter recited in independent claim 1, and consequently, claim 6, which depends from claim 1.

With regard to the rejection of claim 9, this claim depends from claim 8, which depends from claim 1.

Nakagawa discloses a system for encoding an image in blocks according to an encoding parameter. The encoded codes are multiplexed together with information indicating the presence/absence of scrambling, authentication data, and quantization parameter. A copyrighted image is also scrambled that allows for an authentic viewer to view the image upon play back.

However, as argued above Yamaguchi fails to disclose a material element recited in independent claim 1, from which claim 9 depends, and Nakagawa fails to provide any teaching regarding an identification (ID) different than a pre-determined identification (ID) associated with a type of data.

Accordingly, even if the teachings of Nakagawa were combined with that of Yamaguchi, the combination would fail to recite a material element recited in the independent claim 1, and consequently, dependent claim 9.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reasons for the objections and rejections of the claims have been overcome and withdrawal of same is respectfully requested.

Applicant would further note that the amendments made to the claims have been made to overcome errors in form or to recite the subject matter claimed in better form. No amendments to the claims have been made to overcome the rejection of the claims based on the prior art cited.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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